



# Residential Service Agencies Initial Licensure Process

**April 12, 2017**

**Office of Health Care Quality  
Department of Health and Mental Hygiene**



# Overview of Presentation

- Overview of OHCQ
- Licensure process
- Provisional license
- Policy and procedure development
- Survey process



# OHCQ's Mission



***OHCQ's mission is to protect the health and safety of Marylanders and to ensure there is public confidence in the health care and community service delivery systems***



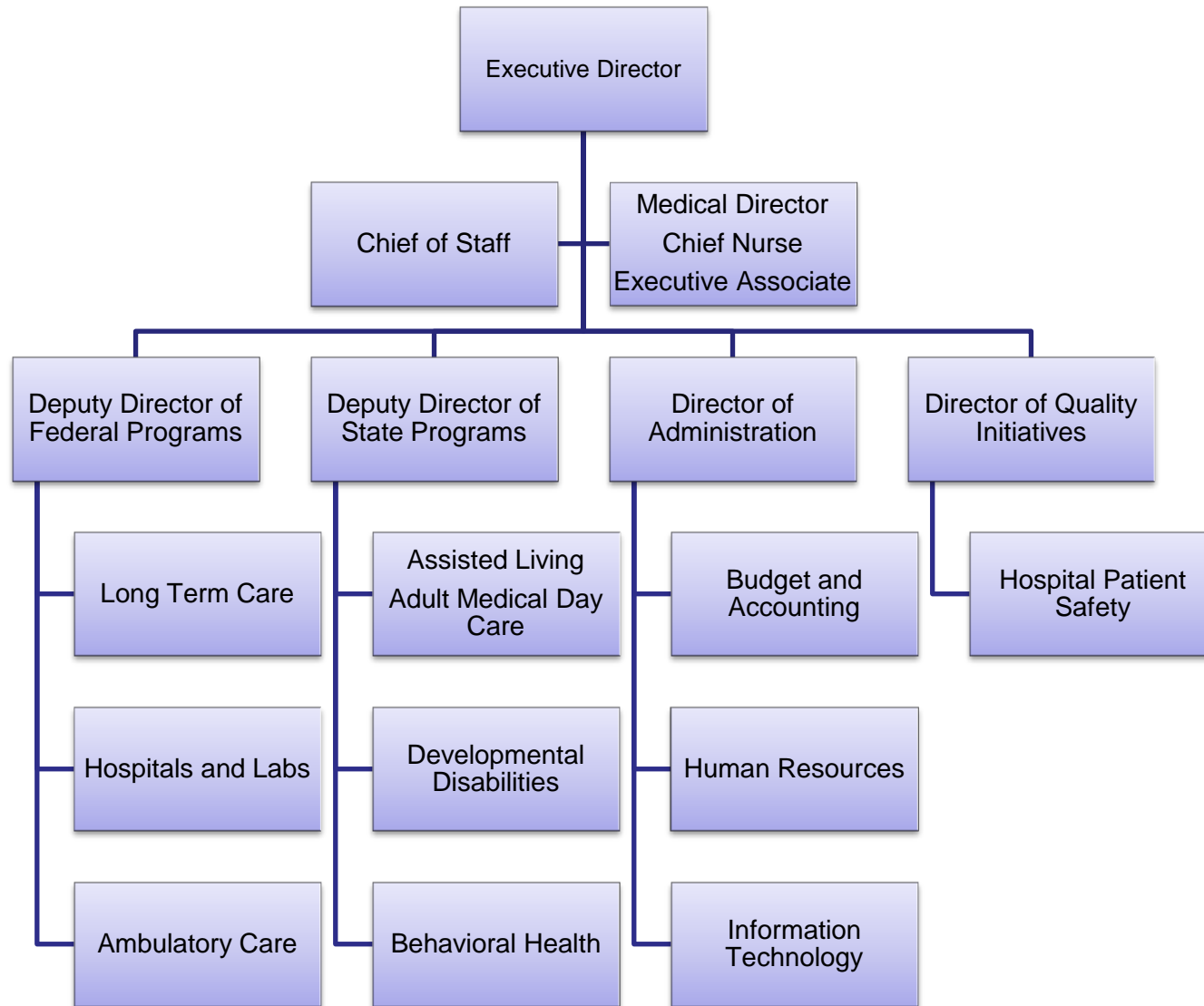
# OHCQ Functions

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- Issue licenses, authorizing the operation of a business in Maryland
- Recommend certifications to CMS, authorizing participation in the Medicare and Medicaid programs
- Conduct surveys to determine compliance with State and federal regulations, which set minimum standards for the delivery of care
- Educate providers, consumers, and other stakeholders



# OHCQ Organizational Chart



# OHCQ Oversees 61 Provider Types

## Ambulatory Care

- Birthing Centers
- Comprehensive Outpatient Rehab Facilities
- Freestanding Ambulatory Surgery Centers
- Cosmetic Surgery Centers
- Freestanding Dialysis Centers
- Home Health Agencies
- Hospices and Hospice Houses
- Major Medical Equipment Providers
- Outpatient Physical Therapy Centers
- Portable X-ray Providers
- Residential Service Agencies
- Surgical Abortion Facilities
- Nurse Referral Service Agencies
- Health Care Staff Agencies

## Long Term Care

- Nursing Homes
- Intermediate Care Facilities
- Forensic Residential Services

## Assisted Living

- Assisted Living Facilities
- Adult Medical Day Care

## Laboratories

- Physician Office & Point-of-Care (State & Federal)
- Federal Waived Labs
- Independent Reference labs
- Hospital Labs
- Cholesterol Testing Sites
- Health Awareness Test Sites
- Tissue Banks
- Public Health Testing
- Forensic Labs
- Employer Testing Labs
- Cytology Proficiency Testing

## Developmental Disabilities

- Habilitation Services
- Individual and Family Support Services
- Group Homes
- Intensive Treatment Programs
- DD Respite Services

## Behavioral Health

- Adult Group Homes
- Mental Health Vocational Programs
- Mobile Treatment Services
- Outpatient Mental Health Centers
- Psychiatric Rehabilitation Programs for Adults
- Psychiatric Rehabilitation Programs for Minors
- Psychiatric Day Treatment Services
- Residential Rehabilitation Services
- Residential Crisis Services
- Respite Care Services
- Therapeutic Group Homes
- Therapeutic Nursery Programs
- Opioid Maintenance Therapy Programs
- Outpatient Treatment Programs
- Residential Programs
- Education Programs
- Residential Detoxification Programs
- Correctional Substance Abuse Programs
- Ambulatory Detoxification Programs

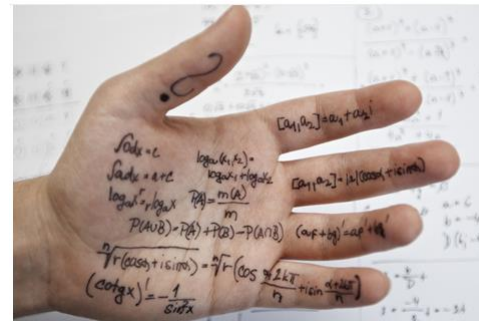
## Hospital

- Hospitals
- Patient Safety Programs
- Freestanding Medical Facilities
- HMOs
- Correctional Health Care Facilities
- Residential Treatment Centers
- Federally Qualified Health Centers
- Community Mental Health Centers





# Why are there regulators?





# Integrity

Trust,  
but verify

do  
THE RIGHT  
THING...  
EVEN WHEN  
no one  
IS LOOKING



# Residential Service Agency (RSA)

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- RSA: A business that employs or contracts with individuals to provide at least one home health care service for compensation to an unrelated sick or disabled individual
  - Excludes home health agencies, Medicaid personal care providers, and household or family support services
- Two types:
  - Skilled Nursing with Aides
  - Other



# RSA - Skilled Nursing with Aides

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- Level One: RN supervision of aides to provide personal care without medication management
- Level Two: RN supervision of aides to provide personal care with medication management
- Level Three: Complex care provided by RNs, LPNs, and supervision of aides



# RSA - Other

- Examples include:
  - DME: Provide delivery and training on durable medical equipment such as wheelchairs, CPAP machines, and oxygen tanks
  - Rehab: Provide services such as physical therapy
  - RNs and LPNs providing care without nursing aides



# Code of Maryland Regulations (COMAR)

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- RSA regulations are in COMAR 10.07.05
  - Online: Division of State Documents, [www.dsd.state.md.us](http://www.dsd.state.md.us)
  - Call Division of State Documents, 410-974-2486, x 3876 or 800-633-9657, x 3876
  - Visit a public library: To find the closest library, go to [www.dsd.state.md.us/depositories.aspx](http://www.dsd.state.md.us/depositories.aspx)



# Home Health Agency (HHA)

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- Home health agency (HHA) is an entity that provides skilled nursing services, home health aide services, and at least one other home health care service, all of which services are centrally administered
- If an entity fits the definition of a home health agency, then the entity must obtain a license as a home health agency and may not instead choose to obtain an RSA license
- Maryland Health Care Commission  
Phone: (410) 764-3460



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# **RSA Licensure Application Process**



# Obtaining an RSA Application

- On line: Click on Ambulatory Care, then Licensure and Renewal Application

[www.dhmfh.maryland.gov/ohcq](http://www.dhmfh.maryland.gov/ohcq)

- In person: OHCQ, Bland Bryant Building, 8:30 a.m. – 5:00 p.m., map of campus

<http://dhmfh.maryland.gov/ohcq/docs/Map%20of%20Campus.pdf>

- By mail: Call Elaine Horsey, 410-402-8267





# RSA Application Process

- Read all application instructions
- Keep your original documents
- Submit all required documents
- Submit fee



# Required Application Sections

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1. General Information
2. Fees
3. Ownership
4. Workers' Compensation
- 14 or 15. RSA Skilled Nursing with Aides or RSA Other
16. Affidavit
17. Branch Offices



# Required Attachments, Skilled Nursing with Aides

Attach to initial application for RSA license, skilled nursing with aides:

1. Policies and procedures as listed in 10.07.05
2. Sample personnel file
3. Sample patient files for adult and pediatric patients, if applicable
4. Description of scope of services to be provided, including geographic area of services, accepted referral sources, and accepted payer sources
5. Proof of workers' compensation



# Required Attachments for Non-accredited DME Companies

Attach to initial application for non-accredited DME companies:

1. List of licensed and non-licensed personnel:  
Identify positions held and include verification of license or certification
2. Policies and procedures
3. Sample files
4. Disclosures of Criminal Charges/Convictions
5. Business plan
6. Workers' compensation



# Required Attachments for Accredited DME Companies

Attach to initial application for accredited DME companies:

1. Disclosure of Criminal Charges/Convictions for all owners with more than 25 percent ownership
2. Business plan
3. Proof of workers' compensation
4. Evidence that your company's corporate and trade name, if applicable, is registered and in good standing with the Maryland Department of Assessment and Taxation
5. Proof of accreditation



# Workers' Compensation

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- If your agency does not have workers' compensation insurance **and** does not have any employees, submit a Letter of Exemption (sole proprietorship or partnership) or Certificate of Compliance (corporation or LLC) from the Certificate of Compliance Coordinator at the Workers' Compensation Commission
  - For more information, call 410-864-5100 or [www.wcc.state.md.us](http://www.wcc.state.md.us)



# Suggested Format for Policies and Procedures

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1. Date of approval by governing body
2. Title or subject of the policy
3. Policy statement
4. Purpose of the policy: Describe why the subject is important
5. Procedures: Define who, when, and where





# Suggested Format for Job Descriptions

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1. Date of approval by governing body
2. Position title
3. Position to which this job title reports
4. Qualifications: Educational and experience requirements
5. Credential requirements
6. Job responsibilities: List the tasks that the person in this position will perform



# Branch Office

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- A branch office means a satellite office of an RSA that is operated by the same person, corporation, or other business entity that manages the parent RSA, and that along with the parent RSA has the same:
  - Ownership tax identification number
  - Upper-level management
  - Policies and procedures, and
  - Provides services within the same geographic area served by the parent business entity



# Licensure Fee

- Submit \$1,000 with the initial licensure application
- Fee is non-refundable
- Make the business check, cashier's check, money order, or personal check payable to DHMH
- Starter checks will not be accepted





# Provisional Licensing for RSA – Skilled Nursing with Aides



# 90-day Provisional Licensure for RSA – Skilled Nursing with Aides

- Upon receipt of written approval from OHCQ, implement required policies and procedures, market for the required three clients and personnel, and then submit a signed statement of readiness
- If not already submitted or if revised, submit:
  - Signed contract between your company and RN you hired
  - List of licensed and non-licensed personnel, if applicable, as well as verification of license and certification
  - Organizational chart

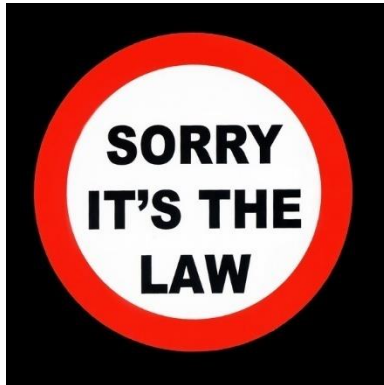


# 90-day Provisional Licensure

- Within 45 days, you must admit 3 patients who will receive at least six visits each of skilled nursing or aide services
- An on-site survey will be conducted by an OHCQ nurse surveyor once you have admitted 3 patients on or after the 45<sup>th</sup> day
- You must have a regular license (not provisional) to apply to receive Medicaid reimbursement



# Provisional Licensing



**By law, OHCQ may  
not grant  
extensions for a  
provisional license**







# Policies and Clinical Procedures



# Policies and Clinical Procedures

- Governing body, 10.07.05.08
  - Who is the governing body?
  - Meets annually
  - Document meeting minutes
- Quality assurance
  - A quality assurance process is required



# Policies and Clinical Procedures

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- Scope of Services, 10.07.05.08
- Considerations:
  - Who are your clients?
  - What services are provided?
  - May include geographical area
- Billing and reimbursement
  - Signed contract must include the costs of all services



# Policies and Clinical Procedures

- Personnel files, 10.07.05.10
- Screening at the time of hire includes:
  - Evaluation and demonstration of skills
  - Criminal background check
  - Verification of work history
  - Verification of license and/or certification, as applicable
  - I-9 form
  - TB screening
  - Hepatitis B



# Policies and Clinical Procedures

- Staff Training, 10.07.05.11
  - CPR
  - Infection control: Hand washing, annual OSHA training, and personal protective equipment
  - Record keeping
  - Ethical behavior
  - Prevention of abuse and neglect
- Patient and care giver training



# Policies and Clinical Procedures

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- Patient rights, 10.07.05.16
- Patient care plan is based on the patient's and, if applicable, the family's decisions
- Adult and Child Protective Services

Maryland State Hotline Number:  
1-800-492-6005



# Policies and Clinical Procedures

- COMAR 10.07.05.12
- Compliance with Maryland's Nurse Practice Act:
  - Know the regulations for all licensed and certified staff
- Visit the Board of Nursing website for more information: [www.mbon.org](http://www.mbon.org)





# Policies and Clinical Procedures

- Patient assessments: Initial admission 10.07.05.12
- Frequency of patient assessment, Patient care:  
Based on the contract
  - Level one: Personal care
- Patient care: Based on physician orders
  - Level Two: Medication administration
  - Level Three: Complex care, such as large wounds, IV therapy, and ventilator care



# Policies and Clinical Procedures

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- Supervision of clinical staff 10.07.05.12
  - RN supervision
  - Frequency of supervisory visit
- Record maintenance 10.07.05.15
  - Patient records
  - Staff records
  - Storage



# Policies and Clinical Procedures

- Signed informed consent, 10.07.05.12
- Patient or caregiver needs to be informed of:
  - Who signs the consent
  - Patient rights and responsibilities
  - All financial charges
  - Use of unlicensed aides
    - 10.07.05,10 (D 1, 2, 3)
    - 10.07.05.16 (F)



# Policies and Clinical Procedures

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- Waiver Options
- Only the cognitively capable adult client may sign the waiver to omit skilled care by the RN
- Only the cognitively capable adult client may sign the waiver to omit skilled services by the Certified Nursing Assistant



# Policies and Clinical Procedures

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- Clinical records, 10.07.05.14
  - Patient assessment
  - Physician orders
  - Advance directives assessment
  - Care notes



# Policies and Clinical Procedures

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- On-call process, 10.07.05.12
  - Return calls in 60 minutes or less
  - Document all patient care calls in a log
- Complaint and incident process, 10.07.05.09
  - Investigation
  - Resolution
  - Documentation
  - Quality assurance



# Policies and Clinical Procedures

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- Durable medical equipment agency, 10.07.05.19
  - Same as RSA regulations with a few exceptions:
    - No advance directives
    - No IV therapy
    - No ventilator care



# Policies and Clinical Procedures

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- Denial of application:
  - After twelve months if there is no response from the provider
  - After three unacceptable reviews of revised policies







# Survey Process



# Initial On-site Survey for RSA – Skilled Nursing with Aides

For, an initial on-site survey includes:

1. Review of written policies and procedures
2. Observation of clinical record management
3. Review of personnel files
4. Review of patient rights information
5. Review of internal complaint documentation
6. Review of clinical records
7. Interviews with agency staff
8. Home visits or telephone interviews with patients
9. Review of the quality assurance plan documentation



# On-Site Survey for Initial Licensure

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- Survey findings are documented in a written report called the Statement of Deficiencies
  - If no deficiencies, you receive a report saying you are in compliance
  - If there are deficiencies, you receive a report listing the details of the non-compliance with the regulations
    - Must complete an acceptable plan of correction to receive your license



# Additional Resources

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- Maryland Board of Nursing (MBON): Can explain the requirements for nurse supervision of certified nursing aides and medicine aides

**410-585-1900 or 1-888-202-9861**

- Maryland Small Business Development Center: For questions about how to set up a business, developing a business plan, or marketing

**1-877-787-7232**



# Questions and Answers





**Our common ground is the individuals that we serve**

